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EXAMINER

KOROBOV, VITALI A

ART UNIT PAPER NUMBER

2155

DATE MAILED: 03/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/971,086	ROBINSON, JOHN	
	Examiner	Art Unit	
	Vitali Korobov	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-10,12-22,24-28 and 30-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-10,12-22,24-28 and 30-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to an RCE filed on 01/13/2006. Claims 1, 6, 7, 10, 19, 24, 25 and 28 have been amended. Claims 5, 11, 23 and 29 have been canceled. New claims 37-40 have been added. Therefore, claims 1-4, 6-10, 12-22, 24-28 and 30-40 are now pending.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous office action has been withdrawn pursuant to 37 CFR 1.114. The applicant's submission filed on 01/13/2006 has been entered.

Response to Arguments

3. The applicant's arguments with respect to claims 1-4, 6-8, 10, 12, 19-22, 24-26, 28, 30 and 37-40 have been considered but are moot in view of the following new grounds of rejection, necessitated by the Applicant's amendments.

With respect to claims 9 and 27 the Applicant did not present any arguments.

With respect to claims 13-18 and 31-36, the Applicant argues - "***Birrell does not disclose or suggest redefining a first type of data as a second type of data and***

Art Unit: 2155

then automatically rendering the data with a second rendering process based on the second type of data."

The Examiner respectfully disagrees. In col. 12, lines 59-67 and col. 13, lines 1-5, Birrell states: "As shown in FIG. 10, the mail service system 200 can recognize messages components that are included as such. The system 200 can discover an explicitly attached file 1010 to a message 1000, and the system 200 can also heuristically discover textual components 1021-1021 that are implicitly embedded without MIME structuring in the message. For example, the system 200 can recognize embedded "uuencoded" enclosures, base 64 enclosures, Postscript (and PDF) documents, HTML pages, and MIME fragments.

Accordingly, the system 200 is configured to "hold-back" such components 1010, 1020-1021 encoded in different formats using a MIME filter 1001. The attached and embedded components are replaced by hot-links 1031 in a reduced size message 1030. Only when the user clicks on one of the hot-links 1031 is the components sent to the requesting client computer." Clearly, Birrell detects first type of data, for example PDF files, and renders them as a second type of data - hyperlinks. PDF is rendered by Acrobat, hyperlinks are rendered by browsers, HTML rendering process being different from Acrobat rendering process, as claimed in claim 13.

Regarding Birrell, the Applicant further argues: ***"However, this portion does not suggest redefining the type of data associated with such an attachment or embedded image to a second type of data, as required by claim 1. For this reason, the teachings found in this portion of Birrell necessarily fail to teach or suggest the features of claim 1."***

The Examiner respectfully points out that: a). Birrell was not cited in reference to claim 1 and b). There are no limitations in claim 1 directed to redefining first type of data as a second type of data.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 13-18 and claims 31-36 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,009,462 by Birrell et al. (Birrell).

With respect to claim 13 Birrell teaches a method comprising: calling a data stream using a browser running on a computer system (Fig. 1, Web browser 115. See also col. 2, lines 66-67 and col. 3, lines 1-3); detecting a first type of data associated with the data stream called by the browser (Col. 12, lines 64-67); and redefining the first type of data as a second type of data (Col. 13, lines 3-5).

With respect to claim 14 Birrell teaches the method of claim 13 wherein the first type of data and the second type of data are Multipurpose Internet Mail Extensions (MIME) standard types (Col. 12, lines 64-67. See also Fig. 10, items 1031 - "hot-link").

With respect to claim 15 Birrell teaches the method of claim 14 further comprising loading a MIME filter into an operating system of the computer. (Fig. 10, MIME filter 1001. See also col. 13, lines 1-3).

Art Unit: 2155

With respect to claim 16 Birrell teaches the method of claim 15 further comprising receiving notification in the browser that a data stream is available for filtering by the MIME filter. (Col. 12, lines 4-11. This limitation is also inherently present in any usable e-mail application).

With respect to claim 17 Birrell teaches the method of claim 15 further comprising activating multimedia subsystem player running on the computer system to render the data stream. (Col. 12, lines 28-34).

With respect to claim 18 Birrell teaches the method of claim 17 further comprising passing the data stream to the player (Col. 12, lines 24-27).

Claims 31-36 are rejected in view of the above rejection of claims 13-18, respectively, as differing from said claims only in statutory category. Claims 31-36 are essentially the same as claims 13-18, except that claims 31-36 set forth the invention as a program rather than a method, as do claims 13-18.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 6-8, 10, 12, 19-22, 24-26, 28, 30 and 37-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over the U. S. Patent No. 6,374,402 issued to

Art Unit: 2155

Schmeidler et al, hereinafter Schmeidler, in view of the U. S. Patent No. 7,017,189 issued to DeMello et al., hereinafter DeMello.

Regarding claim 1, Scheidler teaches a method of processing a data stream with a computer system, the method comprising: receiving the data stream using a browser application (Fig. 4A, step 402); detecting a content type of data in the data stream (Col. 10, lines 47-51 - content type specified in the MIME header).

Schmeidler does not explicitly teach determining whether the browser application is invoked within an application environment of an internet service provider to enable a subscriber of the internet service provider access to an online resource.

However DeMello in the analogous art, directed to a system and a method for activating a rendering device, teaches determining whether the browser application is invoked within an application environment of an internet service provider to enable a subscriber of the internet service provider access to an online resource (DeMello, col. 8, lines 65-67 - script is incorporated into service provider's web page. Col. 9, lines 1-5 - script determines if and which particular browser application is invoked by the client).

Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to combine the video content rendering techniques taught by Schmeidler with the content rendering techniques taught by DeMello in order to enhance the client's experience while receiving the content. Modified in this manner Schmeidler is hereinafter referred to as modified Schmeidler.

Modified Schmeidler further teaches temporarily overriding a default rendering process otherwise associated with the content type detected for the data in the data stream by associating a particular rendering process with the data stream based on the

Art Unit: 2155

type of data in the data stream (Schmeidler, col. 16, lines 13-17 and lines 57-59) and based on results of the determination of whether the browser application is invoked within the application environment of the internet service provider; and routing the data stream to the particular rendering process (See also DeMello, col. 9, lines 1-21, where DeMello teaches various detection techniques and based on that determination routes the data accordingly, for example either to an ActiveX control or to a plug-in in place of a default rendering process).

Regarding claim 2, modified Schmeidler teaches the method of claim 1 wherein the content type of data is a Multipurpose Internet Mail Extension (MIME) type (Schmeidler, col. 9, lines 36-41).

Regarding claim 3, modified Schmeidler teaches the method of claim 1 wherein the default rendering process is identified in a registry of the computer system (Schmeidler, col. 9, lines 37-39).

Regarding claim 4, modified Schmeidler teaches the method of claim 1 wherein the data stream is received in response to a request from the browser application (Schmeidler, fig. 2B, item 224).

Regarding claim 6, modified Schmeidler teaches the method of claim 1 further comprising routing the data stream to the default rendering process if the browser application is determined to have been invoked outside the application environment of the internet service provider (DeMello, col. 9, lines 1-21, where DeMello teaches a great deal of flexibility with respect to the detection process of which application(s) is/are installed at the client's computer and the invocation of respective application based on the results of this determination).

Regarding claim 7, modified Schmeidler teaches the method of claim 1 wherein the default rendering process is identified in a registry of the computer, and wherein temporarily overriding the default rendering process includes supplementing the registry of the computer with the particular rendering process if the browser application is determined to have been invoked within the application environment of the internet service provider (Schmeidler, fig. 6, step 602. See also col. 16, lines 13-17 - storing network file system registry entries locally. DeMello, col. 9, lines 1-21 - determination of applications invoked by the client).

Regarding claim 8, modified Schmeidler teaches the method of claim 7 further comprising: processing the data stream with the temporary rendering process (Schmeidler, fig. 6, step 604); and upon completing of the processing, disassociating the temporary rendering process with the type of data in the data stream (Schmeidler, fig. 6, step 612).

Regarding claim 10, modified Schmeidler teaches a method of processing a data stream with a computer system, comprising: receiving a data stream using a browser application (Schmeidler, fig. 4A, step 402); identifying a stream type for the data stream (Schmeidler, col. 10, lines 47-51 - content type specified in the MIME header); and determining whether the browser application is invoked within an application environment of an internet service provider to enable a subscriber of the internet service provider to access an online resource (DeMello, col. 9, lines 1-5); and selecting a data process for processing the data stream based on the data type identified for the data stream and results of the determination of whether the browser application is invoked within the application environment of the internet service provider to enable the

Art Unit: 2155

subscriber of the internet service provider to access an online resource; wherein the data stream is directed to a default data process if the browser application is invoked outside of the application environment of the internet service provider, and the data stream is directed to a data process other than the default data process if the browser application is invoked within the application environment of the internet service provider (DeMello, col. 9, lines 1-21).

Regarding claim 12, modified Schmeidler teaches the method of claim 10 wherein the data type is a Multipurpose Internet Mail Extensions (MIME) type (Schmeidler, col. 9, lines 36-41).

Claims 19-22 are rejected in view of the above rejection of claims 1-4, respectively, as differing from said claims only in statutory category. Claims 19-22 are essentially the same as claims 1-4, except that claims 19-22 set forth the invention as a program rather than a method, as do claims 1-4.

Claims 24-26 are rejected in view of the above rejection of claims 6-8, respectively, as differing from said claims only in statutory category. Claims 24-26 are essentially the same as claims 6-8, except that claims 24-26 set forth the invention as a program rather than a method, as do claims 6-8.

Claims 28 and 30 are rejected in view of the above rejection of claims 10 and 12, respectively, as differing from said claims only in statutory category. Claims 28 and 30 are essentially the same as claims 10 and 12, except that claims 28 and 30 set forth the invention as a program rather than a method, as do claims 10 and 12.

Regarding claim 37, modified Schmeidler teaches the method of claim 1 wherein invoking the browser comprises enabling access to browser functionality as an ActiveX

Art Unit: 2155

component in an application provided by the internet service provider (DeMello, col. 9, lines 1-21 - access to browser functionality as an ActiveX component).

Regarding claim 38, modified Schmeidler teaches the method of claim 10 wherein invoking the browser comprises enabling access to browser functionality as an ActiveX component in an application provided by the internet service provider (DeMello, col. 9, lines 1-21 - access to browser functionality as an ActiveX component).

Regarding claim 39, modified Schmeidler teaches the computer program of claim 19 wherein invoking the browser comprises enabling access to browser functionality as an ActiveX component in an application provided by the internet service provider (DeMello, col. 9, lines 1-21 - access to browser functionality as an ActiveX component).

Regarding claim 40, modified Schmeidler teaches the computer program of claim 28 wherein invoking the browser comprises enabling access to browser functionality as an ActiveX component in an application provided by the internet service provider (DeMello, col. 9, lines 1-21 - access to browser functionality as an ActiveX component).

6. Claim 9 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmeidler in view of U.S. Patent 6,009,462 A Birrell et al. (Birrell).

With respect to claim 9, Schmeidler teaches the method of claim 1.

Schmeidler fails to explicitly teach additional limitation of claim 9 further comprising redefining the content type after routing the data stream to prevent subsequent processing of the data stream by the default rendering.

However, Birrell in analogous art, related to distribution of large multimedia files, teaches additional limitation of claim 9 further comprising redefining the content type

Art Unit: 2155

after routing the data stream to prevent subsequent processing of the data stream by the default rendering. (See Fig. 10 and col. 13, lines 3 - 5).

Schmeidler and Birrell are analogous art because they are both related to demand based content delivery and selecting a rendering process based on a type of content being received. Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to combine the video content rendering techniques taught by Schmeidler with the rendering techniques for file attachments taught by Birrell in order to provide users with the ability to receive video content via e-mail. (See also Birrell, col. 4, lines 43 – 50).

Claim 27 is rejected in view of the above rejection of claims 9, as differing from said claim only in statutory category. Claim 27 is essentially the same as claim 9, except that claims 27 sets forth the invention as a program rather than a method, as does claim 9.

7. **Examiner's note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art

Art Unit: 2155

disclosed by the references cited and the objection made. Applicant must show how the amendments avoid such references and objections. See 37 CFR § 1.111(c).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vitali Korobov whose telephone number is 571-272-7506. The examiner can normally be reached on Mon-Friday 8a.m. - 4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571)272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vitali Korobov
Examiner
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03/26/2006
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